

# ASAP FAQ

- 1) How long will I be under ASAP Probation?
  - a. You will be under ASAP Probation for the entire term the Court imposed at your conviction or deferred disposition.
  - b. The Probation term can be 6, 12, or 36 months (or until released by the Court).
- 2) Is ASAP “a 10 week class”?
  - a. No. ASAP is a probation program.
  - b. ASAP requirements include ASAP education classes, attendance at support group meetings, and substance abuse treatment (if referred).
- 3) Is ASAP a confidential program?
  - a. Yes. Without an ASAP signed consent form, ASAP employees cannot confirm or deny any client’s participation in our program. (At your intake, you will sign a consent form for your attorney of record and the Court).
- 4) Can I miss an ASAP education class?
  - a. You are allowed only **ONE** absence during your 10-session ASAP class (as long as it is **NOT** your **FIRST** session). You will be required to attend a make-up class and pay a \$25 fee.
  - b. A second absence, **FOR ANY REASON**, will result in your having to start over in a new 10-session ASAP education class. You will be charged a \$25 fee.
- 5) During inclement weather, how will I know if my ASAP class is cancelled?
  - a. You may check Cable Channel 16
  - b. You may call 703-324-4636
  - c. You may call the ASAP front desk 703-246-2727
- 6) Will I automatically receive a completion letter at the end of my ASAP Probationary period?
  - a. No. There is no “ASAP Completion letter”, however, if you need a letter stating that you completed ASAP for your own records (or employer, immigration etc), you may request that from your Probation Officer directly.
- 7) Do I need to inform my Probation Officer if I move to a new address? Who else do I need to inform?
  - a. Yes. ASAP must always have your **CURRENT** and **CORRECT** contact information. This includes your address and contact phone numbers.
  - b. It is **YOUR** responsibility to report the new information.

- c. You must also notify the Court and the DMV if you have changed your address.
  - d. If you hold a restricted driver's license (DC-265 Court order), you must also petition the Court to have your new address updated on the order so that you may legally drive there (this amended license must be validated by ASAP).
- 8) How do I get my full license back after the suspension/restriction time ends?
- a. You must appear directly at a full service DMV office (NOT the DMVs at a mall location) the day AFTER your suspension/restriction ends.
  - b. The DMV will NOT automatically mail you a new license.
  - c. Your full driving privileges will NOT automatically be reinstated. You must appear at a full service DMV office for that to occur.
  - d. You will be required to pay a DMV reinstatement fee if you have not done so beforehand.
  - e. **NOTE:** You will **ONLY** be able to obtain your full license back from the DMV **IF** you have completed **ALL** your ASAP requirements and paid **ALL** your ASAP fees.
- 9) Do I need to take anything in writing from ASAP to the DMV to get my full license?
- a. No. ASAP completion information will be provided electronically to DMV **IF** you have completed ALL your requirements and paid ALL your ASAP fees.
  - b. ASAP will provide this information to the DMV within 30 days of your Probation end date, no earlier.
  - c. DMV will NOT accept anything in writing from you.
- 10) What happens if my suspension/restriction time has ended but I have not yet completed all my ASAP probationary requirements?
- a. DMV will NOT reinstate your full driving privileges if you have not completed ALL your ASAP requirements and paid ALL your ASAP fees.
- 11) Who can grant me a restricted license?
- a. Only a Judge.
- 12) Can I drive anywhere I want with my restricted license?
- a. No. You may **ONLY** drive to/from the places listed on your "green sheet" (DC-265 order) and **ONLY** during the times listed.
- 13) Once I have my "green sheet" (DC-265 order) from the Court, is that all I need?
- a. No. You must bring that "green sheet" (DC-265 order) to the ASAP front desk within 15 days for it to be signed/stamped.
  - b. Per your "green sheet" (DC-265 order), you must present at a full service DMV office between 30 and 60 days of the date issued to obtain your plastic restricted license from the DMV.

- c. You will be required to pay the current reinstatement fee to the DMV to obtain your plastic restricted license.
- d. You must also have on file your required FR-44 insurance (if you were convicted of any DWI offense).

**FR-44 Section:**

- 14) FR-44 certification is required for the following convictions:
  - a. Maiming while under the influence.
  - b. Driving while under the influence of intoxicants or drugs.
  - c. Driving while the driver's license has been forfeited for a conviction, or finding of not innocent, in the case of a juvenile.
  - d. Violation of the provisions of any federal law or law of any other state or any valid local ordinance similar to the above.
- 15) For how long do I have to file FR-44 with the DMV?
  - a. 4 years
- 16) What happens if I stop filing FR-44 with the DMV?
  - a. The DMV will re-suspend your driving privileges.
- 17) What if I hold a license from another state, do I still need to file FR-44 with the Virginia DMV?
  - a. Yes.
- 18) What if my charge was amended to Reckless Driving, do I still need to file FR-44?
  - a. No.
- 19) Where can I get more information about the FR-44 requirement?
  - a. <http://www.dmv.state.va.us/webdoc/commercial/insurance/certifications/asp>
- 20) When will I be eligible for a restricted license 'recommendation letter' from my Probation Officer?
  - a. Your Probation Officer will only provide you with a 'Recommendation Letter' for a restricted license **AFTER** you have completed your treatment plan requirements. (This includes your ASAP education classes **AND** your substance abuse treatment - if you were referred).
- 21) Besides the ASAP recommendation letter, what do I take with me to Court when filing a motion for a restricted license?
  - a. A current copy of your Virginia driving record.
  - b. A current copy of your Virginia DMV Compliance Summary.

22) Where do I file a motion for a restricted license?

- a. You will file a motion for a restricted license in the same Court where you were convicted.
- b. You must go to the Traffic window (first floor of the Fairfax County General District Court for alcohol-related cases and second floor clerk's office for drug-related cases) to file your motion.
- c. You must appear at 8:00 am if you wish your motion to be heard that same day.

23) What if I was convicted in Fairfax **CITY** Court?

- a. You may petition only on Tuesdays and Thursdays.
- b. You must appear at the clerk's office at City Hall.

24) What if I was convicted in Fairfax **CIRCUIT** Court?

- a. You or your attorney must present to the 4<sup>th</sup> floor of the Fairfax County Circuit Court to file your motion.
- b. You will NOT be able to file your motion the same day (as you can with the General District Court).

25) What if I was convicted in **ANOTHER COUNTY** in Virginia?

- a. You must contact your Fairfax ASAP Probation Officer and request that an updated progress report be sent to your original jurisdiction ASAP.
- b. After the progress report has been sent, you must contact your original jurisdiction ASAP and speak to that office about how to petition the Court in that County.

26) What happens if I am found non-compliant in Court and revoked from ASAP?

- a. You will **NOT** receive credit for **ANY** education and/or treatment requirements you completed while your ASAP Probation case was open.
- b. In order to earn ASAP completion with the Virginia DMV, you will have to enroll as a **DMV VOLUNTEER** and complete the ASAP Program, and all education and/or treatment, over again.
- c. **IF YOU DO NOT SATISFY YOUR ASAP REQUIREMENTS FOR THE DMV, YOU WILL NOT BE ELIGIBLE TO DRIVE LEGALLY, EVER.**

27) Do I still need to enroll as a DMV volunteer if I already served all my jail time?

- a. Yes. If the DMV requires ASAP completion on your case, you **MUST** enroll as a **DMV VOLUNTEER** with the ASAP office in the County in which you reside if you ever want to drive legally again.

28) What does DMV VOLUNTEER mean?

- a. You must pay **ALL** your delinquent ASAP fees, on all previous cases.

- b. You must report to the ASAP office **LOCATED IN THE COUNTY IN WHICH YOU RESIDE** with a current **DMV COMPLIANCE SUMMARY** no more than 30 days old.
- c. You must pay a **NEW ASAP FEE** (\$400 for in state clients, \$300 if you are completing the requirements out of state).
- d. You must come in for a **NEW ASAP INTAKE**.
- e. You will **NOT** receive DMV completion for ASAP until you have made all your payments and completed your ASAP intake, ASAP education classes, and substance abuse treatment referral (if required).
- f. If you are required to complete substance abuse treatment, you are **NOT** eligible for ASAP completion in DMV until **AT LEAST** 6 months from the date of your **DMV VOLUNTEER INTAKE**.
  - i. You must remain alcohol and illicit drug free during the full period that your ASAP DMV VOLUNTEER case is open.
  - ii. You must also complete an **EXIT INTERVIEW** with the ASAP office before your DMV completion is entered. These steps must be completed before you can receive your license from DMV.

### **Habitual Offender Section:**

29) How do I know if I need an Habitual Offender Evaluation?

- a. You were **ADJUDICATED** “Habitual Offender” by a Virginia Court.
- b. You were **DETERMINED** “Habitual Offender” by the DMV.
- c. You were convicted of three (or more) DWIs within a 10-year period under Virginia code 46.2-391 (commonly known as the “**3 in 10**” law).

30) How do I know which category I fall into?

- a. This information is listed on your DMV Compliance Summary. The category you belong to will determine which Court you petition for restoration of driving privileges.

31) Which ASAP office do I go to for my Habitual Offender Evaluation?

- a. You must go to the ASAP office in the **SAME** jurisdiction as the Court you petition in.

32) Which Court do I petition for restoration of driving privileges after I have my Habitual Offender Evaluation?

- a. **ADJUDICATED** offenders can petition in either the Court where the adjudication took place, OR the Court in the jurisdiction of current residence.
- b. **DETERMINED** offenders must petition the Court of current residence.
- c. “**3 in 10**” offenders (and involuntary Manslaughter or DWI-Maiming) must petition the Court of current residence.

- d. Please visit the Fairfax County Circuit Court website for more information on how to petition the Court: <http://www.fairfaxcounty.gov/courts/circuit/CCR-O-20.htm>

33) What is the fee for an Habitual Offender Evaluation?

- a. \$225 payable via Visa, MasterCard, or money order – No cash, check, or payment plans.
- b. The fee for an out-of-state evaluation and “updates” (a new evaluation within 6 months of the previous one) is \$175.

34) What if I need an Habitual Offender Evaluation but I live out of state?

- a. You must also receive an Habitual Offender Evaluation from ASAP.
- b. Instead of coming into an ASAP office for an interview, you must be evaluated by a licensed substance abuse counselor in your state of residence.
- c. You will have forms from ASAP to complete and return via mail.
- d. Please contact an ASAP office for more information regarding out-of-state evaluations.

35) Which Court do I petition for restoration of driving privileges if I live out of state?

- a. **ADJUDICATED** offenders can petition any Virginia Court.
- b. **DETERMINED** offenders must petition through Richmond, VA (Contact Capital Area ASAP at 804-367-6090).
- c. **“3 in 10”** offenders (and involuntary Manslaughter and DWI-Maiming) can petition any Virginia Court.

36) What if I live nearby (Maryland or DC), can I come to the office for an interview? What do I need to bring?

- a. Yes. You may either complete an out-of-state evaluation (see above), OR you may come into the office for an interview.
- b. You must provide a copy of your current driving record from either MD or DC (NOT your Virginia driving record), as well as a criminal background check from either MD or DC. Please have these ready prior to your interview.

37) What will my Habitual Offender Evaluation recommend?

- a. Your evaluation will recommend ONE of THREE things:
  - i. **FULL** Restoration of driving privileges.
  - ii. **RESTRICTED** Restoration of driving privileges.
  - iii. **NO** Restoration of driving privileges at this time.

38) Will the recommendation made by ASAP in my Habitual Offender Evaluation automatically be what the Judge grants?

- a. No. The recommendation made by ASAP is just that – a recommendation – the final decision to restore or *not to restore* your driving privileges rests with the Court; It may or may not concur with the recommendation made by ASAP.

### **Ignition Interlock Section**

39) How many interlock providers can I choose from?

- a. 4.

40) Once I have been granted, and have in my possession, a restricted license order (DC-265 order) from the Court, what is the process for getting interlock on my vehicle(s) and getting my plastic restricted driver's license from the DMV?

- a. Bring your “green sheets” (DC-265 order) to the ASAP front desk during our walk in hours.
- b. Also bring the car information/copy of registration card of the car you will install interlock on.
- c. Inform the front desk which of the 4 providers you have chosen. ASAP will then fax your referral to the provider you have chosen.
- d. After leaving the ASAP office, wait at least **ONE** hour before calling your chosen provider to schedule an installation appointment.
- e. Have the interlock installed in your vehicle at your scheduled installation appointment/location. If the car is **NOT** registered in your name, the person who owns the car must go with you to the installation appointment or you must bring a notarized letter with you from the owner stating that you have permission to use the vehicle and have interlock installed.
- f. Purchase FR-44 insurance from your insurance provider.
- g. Once installed, come back to the ASAP front desk during our walk-in hours. Bring with you your “green sheets” (DC-265 order) and proof of installation from your interlock provider. The ASAP office will then enter that information into the DMV system for you and sign/validate the last sheet of your DC-265 order.
- h. You may now go to the DMV to obtain your plastic restricted driver's license **IF** it has been between 30 to 60 days of the date the Court issued your restricted license.

41) Once I have interlock installed in my vehicle, can I switch to a different interlock provider?

- a. You may switch interlock provider **ONLY** if the VASAP Commission office approves your request.
- b. In your request, you must provide specific information to the Commission office that explains the reason(s) to request the change of provider.

- c. Unless approved by the Commission office, no change to your interlock provider will be made once you have installed interlock in your vehicle.

42) Once I have had the interlock on my vehicle for a consecutive 6-month period with **NO** violations, how do I remove the device from my car?

- a. If you have interlock on your vehicle as a result of a restricted license order from the Court (DC-265 order), and that order has not yet expired, you **MUST** petition the Court to remove your interlock requirement.
- b. The Judge is the **ONLY** person who can allow interlock removal during the period of your restricted license.
- c. If your restricted license has expired, and you have met your 6-month, **no violations**, requirement, your Probation Officer can automatically send removal authorization to your interlock provider. You will **not** need to petition the Court in this circumstance.

43) What should I do if I get a “violation” while blowing into my interlock?

- a. Provide each and every retest that the interlock device requests/instructs you to provide.
- b. Do not stop providing retests until you have successfully been able to start your vehicle.
- c. Call your Probation Officer and leave a voicemail explaining the time of your violation and what you had eaten and/or drank that day and the previous day.

44) What will happen if I get a “violation” while blowing into my interlock and I do **NOT** present retests?

- a. Any violation that is **NOT** successfully cleared with retests, or if you do not provide all requested retests until you successfully start your vehicle, will result in notification to the Court. The Court may impose any portion of your suspended sentence and revoke your driving privileges.
- b. You will also either be referred for a substance abuse treatment assessment or your current substance abuse treatment plan will be increased.